

UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

SIERRA CLUB DE PUERTO RICO, )  
CIUDADANOS EN DEFENSA DEL AMBIENTE, )  
MADRES DE NEGRO DE ARECIBO, and )  
COMITÉ BASURA CERO ARECIBO, ) Case No. 14-1138  
Petitioners, )  
v. )  
U.S. ENVIRONMENTAL PROTECTION AGENCY, )  
and GINA MCCARTHY, ADMINISTRATOR OF THE )  
U.S. ENVIRONMENTAL PROTECTION AGENCY, )  
Respondent. )

*ORIGINAL*

**PETITION FOR REVIEW**

Pursuant to the Clean Air Act, § 307(b)(1), 42 U.S.C. § 7607(b)(1), Rule 15 of the Federal Rules of Appellate Procedure, and Circuit Rule 15, the Sierra Club de Puerto Rico, Ciudadanos en Defensa del Ambiente, Madres de Negro de Arecibo, and Comité Basura Cero Arecibo hereby petition the court for review of the U.S. Environmental Protection Agency's decision granting a Prevention of Significant Deterioration permit to Energy Answers Arecibo, LLC, and the decision of the Environmental Appeals Board dated March 25, 2014, in *In re: Energy Answers Arecibo, LLC*, PSD Appeal Nos. 13-05 through 13-09. Notice of the final agency action was published in the Federal Register at 79 Fed. Reg. 28710 (May 19, 2014), attached as Exhibit 1.

This petition seeks judicial review of the nationally applicable final rule of the Environmental Protection Agency entitled *Requirements for Preparation, Adoption, and Submittal of SIPs; Approval and Promulgation of State Implementation Plans*, 45 Fed. Reg. 31,307, 31,312 (May 13, 1980) (to be codified at 40 C.F.R. §51.18(j)), attached as Exhibit 2. This rule is now codified at 40 C.F.R. §51.165(a)(2)(i). Under this rule, the Environmental Protection Agency unlawfully limits the preconstruction review program for nonattainment areas under Sections 172(c)(5) and 173 of the Clean Air Act to a new major stationary source “that is major for the pollutant for which the area is designated nonattainment.” Petitioners’ challenge is ripe under the Court’s decision in *Coalition for Responsible Regulation v. Environmental Protection Agency*, 684 F.3d 102 (June 26, 2012).

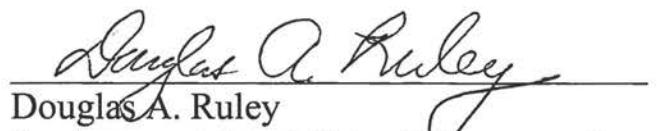
Dated: July 16, 2014

Respectfully submitted,

BY:

  
Christopher D. Ahlers  
8163 Oak Leaf Lane  
Williamsville, New York 14221  
Tel: (716) 636-4830  
[chrisahlers@vermontlaw.edu](mailto:chrisahlers@vermontlaw.edu)  
Counsel for Petitioners

(application for admission forthcoming)

  
Douglas A. Ruley  
Environmental and Natural Resources Law  
Clinic  
Vermont Law School  
P.O. Box 96, 164 Chelsea Street  
South Royalton, VT 05068  
Tel: (802) 831-1136  
Fax: (802) 831-1630  
[druley@vermontlaw.edu](mailto:druley@vermontlaw.edu)  
Counsel for Petitioners

(admitted to D.C. Circuit)

Adriana González-Delgado  
Sierra Club de Puerto Rico  
P.O. Box 21552  
San Juan, PR 00931-1552

Iván Federico Elías Rodríguez  
Ciudadanos en Defensa del Ambiente (CEDDA)  
Apartado 8054  
Arecibo, PR 00613

Teresa Sánchez Rodríguez  
Madres de Negro de Arecibo  
Victor Rojas 1  
Calle Amadeus #290  
Arecibo, PR 00612

Javier Biaggi Caballero  
Comité Basura Cero Arecibo  
Urb Las Brisas  
C-72 Calle 6

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\_\_\_\_\_  
)

**CERTIFICATE OF SERVICE**

I hereby certify that I served a copy of the foregoing Petition for Review, on this 16th day of July, 2014, via USPS First-class Mail to the following:

Henry C. Eisenberg, Esq.  
Skadden, Arps, Slate, Meagher & Flom, LLP  
1440 New York Avenue, N.W.  
Washington, D.C. 20005-2111  
(Counsel for Energy Answers Arecibo, LLC before the Environmental Appeals Board)

Martha G. Quiñones Dominguez  
P.O. Box 8054  
Arecibo, PR 00613  
(Petitioner before the Environmental Appeals Board)

Eliza Llenza  
P.O. Box 9865  
San Juan, PR 00908

(Petitioner before the Environmental Appeals Board)

Cristina Galán

Urb. Radioville #121

Ave. Atlantico

Arecibo, PR 00612

(Petitioner before the Environmental Appeals Board)

Waldemar Natalio Flores Flores

Forest Hills B 20, Calle 4

Bayamón, PR 00959-5527

(Petitioner before the Environmental Appeals Board)

Aleida Centeno Rodríguez

25 X 11, Mirador Vista Azul

Arecibo, PR 00612

(Petitioner before the Environmental Appeals Board)

Fermín Arraiza Navas

Apartado 9023951

San Juan, Puerto Rico 00902-3951

(Counsel for Petitioner Centeno before the Environmental Appeals Board)

Dated at South Royalton, Vermont on July 16, 2014.

BY: Christopher D. Ahlers

Christopher D. Ahlers

8163 Oak Leaf Lane

Williamsville, New York 14221

Tel: (716) 636-4830

[chrisahlers@vermontlaw.edu](mailto:chrisahlers@vermontlaw.edu)

Counsel for Petitioners